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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)
) CC Docket No. 94 - 102
)
 Revision of the Commission's rules)
 to ensure compatibility with) RM - 8143
 enhanced 911 emergency calling systems)

COMMENTS OF THE SECRETARY OF DEFENSE

The Secretary of Defense, through duly authorized counsel, pursuant to Section 201 of the Federal Property and Administrative Services Act of 1949, 40 USC §481, and the Memorandum of Understanding between the Department of Defense and the General Services Administration dated November 27, 1950, hereby files these comments on behalf of the Department of Defense and, as Executive Agent of the National Communications System (NCS)¹, on behalf of the Manager of the NCS.

¹Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions", April 3, 1984 (49 Fed. Reg. 13471, 1984), established the National Communications System (NCS) which consists of an administrative structure involving the Executive Agent, Committee of Principals, Manager, and telecommunications assets of the Federal organizations which are represented on the Committee of Principals. Section 1(e) of EO 12472 designates the Secretary of Defense as Executive Agent for the NCS. By direction of the Executive Office of the President, the NCS member organizations which are represented on the Committee of Principals are: Department of Agriculture, Central Intelligence Agency, Department of Commerce, Department of Defense, Department of Energy, Federal Emergency Management Agency, General Services Administration, Department of Justice, National Aeronautics and Space Administration, the Joint Staff, Department of State, Department of Transportation, Department of the Treasury, U.S. Information Agency, the Department of Veterans Affairs, Department of Health and Human Services, Department of the Interior, National Security Agency, the National Telecommunications and Information Administration and the Nuclear Regulatory Commission. The Federal Communications Commission,

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The captioned rulemaking has the laudable purpose of bringing to persons whose calls to the emergency 911 number are made through Private Branch Exchanges (PBXs) and from mobile radio units the same level of service as that generally available to other callers to 911. As explained in the Notice of Proposed Rulemaking (NOPRM), basic 911 service is a forwarding arrangement in which calls dialed to the 911 telephone number are translated at a telephone company switch and transmitted to a public safety agency for response. Many emergency systems have been upgraded to provide what is known as enhanced 911 service, or E911. E911 systems help emergency services personnel achieve the shortest emergency response time by using Automatic Number Identification (ANI) to route an emergency call to the Public Safety Answering Point (PSAP) nearest the caller's location. At a minimum, E911 service provides the PSAP the ANI of the calling party, permitting the PSAP to call back in the event the call is disconnected. A fully enhanced 911 system provides more information. Automatic Location Identification (ALI) displays the caller's address to the PSAP attendant. Other information may be included, such as the name of the subscriber, city, zip code, telephone number, date, time of day, and the class of telephone service (business, residential, etc.).

The Secretary of Defense herein provides comments on both of the Commission's areas of concern, the compatibility of wireless services with enhanced 911 and enhanced 911 services provided through a PBX.

the United States Postal Service and Federal Reserve Board also participate in the activities of the NCS. The vast majority of the telecommunications assets of these 23 organizations are leased from commercial communications providers and serve the National Security and Emergency Preparedness (NS/EP) needs of the Federal government as well as state and local governments.

MOBILE CALLS TO 911 SHOULD NOT BE GRANTED HIGHEST POSSIBLE PRIORITY

The Commission states that action is necessary to ensure that, over time, mobile radio service users on the public switched network have the same level of access to 911 emergency services as wireline callers. Wireless customers may be unaware of their location, and also unaware that their mobile radio services do not provide the answering PSAP E911-type information on location, name, etc. (NOPRM, par. 37, 39.) The Commission proposes to adopt rules to improve the access of users of mobile radio services to 911, particularly E911 services. General performance criteria rather than extensive technical standards are proposed for adoption. (NOPRM, par. 40.)

The Commission has not proposed any specific rule language. It has examined an "Emergency Access Position Paper" filed as an *ex parte* comment in the Personal Communications Service proceeding. The so-called "Joint Paper" was filed by the Association of Public Safety Communications International, Inc. (APCO), National Emergency Number Association (NENA),² the Personal Communications Industry Association (PCIA) and the National Association of State Nine One One Administrators (NASNA). The Joint Paper is included with the NOPRM as Appendix "D". It forms the basis of most of the Commission's proposals for mobile 911 services.

The Manager recognizes the importance of the 911 emergency calling system and the benefits it has afforded. The mobile 911 caller should, to the extent possible, be afforded the same services provided the landline 911 caller. The Manager will leave to others to comment on the technical and cost issues raised in the NOPRM regarding mobile calls to 911, but does

²NENA subsequently withdrew its support of the Joint Paper.

have a concern over one of the Commission's proposals.

In Section 3 (page 8) of the Joint Paper, it is stated that "An originating 911 call should have priority over other non-emergency services calls. This priority should extend to placing the 911 call at the beginning of a queue for calls waiting to be placed, if no radio or network resources are available." Paragraph 44 of the NOPRM states that comment is sought on this issue. According to the NOPRM, the assigned priority would be assigned at the handset and would extend to placing the call at the beginning of any queue for calls waiting to be placed in the mobile radio network.³ No preemption of calls already completed is contemplated in either the Joint Paper or the NOPRM.

Assigning mobile calls to 911 services the highest possible priority essentially gives every mobile phone the highest priority. Calls to 911 may be deserving of special treatment,

³On November 29, 1993, the Office of the Manager of the National Communications System (OMNCS) filed a "Request for Advice Letter Regarding National Security Emergency Preparedness (NS/EP) Services" at the Commission. Therein, the NCS noted that rules previously in place which allowed carriers to provide call-by-call priorities for emergency calls over the Public Switched Network (PSN) had been deleted as part of the Telephone Services Priorities (TSP) rulemaking. National Security Emergency Preparedness Telecommunications Services Priority System, 3 FCC Rec. 6650 (1988). The OMNCS requested that the Commission reaffirm that priorities afforded emergency calls over the PSN would not be deemed unreasonable priorities or preferences in violation of Section 202(a) of the Communications Act. The OMNCS request was placed on Public Notice on January 7, 1994 (DA 94-31). Comments were filed on February 15, 1994. Reply Comments were filed on March 1, 1994. The Commission has not acted on the request. The Commission recognizes herein that the interconnection of a radio transmitter call to a PSAP attendant may involve several interconnecting networks, including mobile radio links and the PSN. (NOPRM, par.42.) Given the Commission's proposal here to afford calls to 911 priorities, it appears that the Commission believes that priorities afforded emergency calls over the PSN would not violate Section 202(a). A formal response to the NCS request for advice would dispel any doubts.

but not the highest priority of all. Such a requirement could adversely affect national security, emergency preparedness and disaster response on a federal, state and local level.

In response to a local disaster or national security emergency, callers may all begin dialing 911, quickly blocking other callers. Even though some callers will get through, others will not be aware of this and will continue to attempt to report the incident which has already been reported many times over. Congestion will continue for a long time. This will certainly interfere with emergency response activities which plan on using mobile phones to direct response/recovery efforts. As the use of mobile services continues to grow, the incidence of many reports of the same local major incident will likely grow as well, exacerbating the problem.

The Commission has previously considered priorities and currently has in its rules a system of priorities for the restoration of damaged circuits and for the provisioning of new services to meet NS/EP requirements. National Security Emergency Preparedness Telecommunications Services Priority System, 3 FCC Rec. 6650 (1988). The rules adopted in that proceeding are found as Appendix A to Part 64 (the "TSP" rules). Without going into great detail, the TSP rules set forth a scheme for restoration of existing NS/EP services and provisioning of new NS/EP services which recognizes that there are both national and local governmental concerns which must at appropriate times take precedence over individual concerns. Under the TSP rules, on a scale of "1" (highest priority) to "5" (lowest), PSAPs themselves can receive a priority no greater than "3". It makes little sense to have calls to the PSAP have a higher priority than the PSAP itself receives under the TSP restoration and provisioning rules. In addition, it would appear to give the mobile caller to 911 a greater

priority than that of the landline caller.⁴

It is important that the local providers of emergency services, the "first responders", be able to act quickly. A priority access scheme for calls to 911 that does not give those calls the absolute highest priority is nonetheless as likely to permit the first responders to carry out their responsibilities as one that does. In a natural disaster such as a hurricane, tornado or the like, or a serious traffic accident, local and state governmental providers of emergency services will be first to require mobile priority access, and the first to get it since federal emergency responders will not be on the scene for a period of time, if at all. If however a mobile subscriber assigned a higher priority for mobile call completion than calls to 911 was in the affected area and needed to make an NS/EP call unrelated to the local emergency, that caller would be utilizing only one link. Calls to 911 could be completed.

As noted, 911 emergency services are very important services. It is rational that this be recognized through an appropriate priority assignment. There are other services which are as well deserving of priority assignments. The question of course is what priority, how, when, and where. What about roaming? Who provides any necessary administration? As the Commission notes in various places in the NOPRM, technical and other questions are already being addressed by various standards groups. The Cellular Priority Access Subgroup

⁴The Commission's recent revisions to the Emergency Broadcasting System rules and regulations also recognize the importance of national priorities. New Section 11.44(a) of the Commission's rules states "A national activation of the EAS for a Presidential message with the Event code EAN as specified in Section 11.31 must take priority over any other message and preempt it if it is in progress." Report and Order And Further Notice of Proposed Rulemaking In the Matter of Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, FO Docket 91-301, FO Docket 91-171, FCC 94-288, released December 9, 1994.

of the Wireless Service Task Force of the National Security Telecommunications Advisory Committee (NSTAC) is attempting to answer service related questions.

The NSTAC, a Presidential advisory committee under the Federal Advisory Committee Act, was established pursuant to Executive Order 12382 of September 23, 1982. It consists of no more than 30 members who shall have particular knowledge and expertise in the field of telecommunications and represent various elements of the telecommunications industry. The Cellular Priority Access Subgroup (CPAS), under NSTAC sponsorship, is composed of industry and federal and state government representatives who recognize, as does the Commission, that priority access is an essential element of emergency response. The CPAS would like to see one, uniform, nationwide method of providing priority access for mobile subscribers.⁵ Emergency service providers frequently cross jurisdictional boundaries, and a single, uniform system is essential. CPAS' goal is to come to a consensus on service issues to increase the likelihood that a uniform cellular priority access scheme will be available. A series of meetings was initiated prior to the release of the Commission's NOPRM herein and will continue for a short time after the comment date. Following the meetings, the CPAS is to develop a report to the Manager of the NCS. It had been planned that the Manager would consider the report, and then perhaps file a Petition for Rulemaking at the Commission to

⁵As the name implies, CPAS concerns itself primarily with cellular. Presumably, other mobile services, including PCS, could fit into whatever administrative scheme is found appropriate for cellular priority access. Ultimate providers of PCS have, for the most part, not yet been identified. Nor have the services been fully defined. It is likely however that some participants in the CPAS will also become PCS licensees.

have the recommendations adopted.⁶ The issuance of the instant NOPRM for E911 with its stated intention to give mobile calls to E911 the highest possible priority came as a surprise to many in the CPAS and to the Manager. Without having seen the CPAS' report, the Manager cannot say what actions, if any, he may take. However, it is important that the Commission realize that there are groups attempting to reach consensus on these issues.

E911 services are just one of the services for which priority access may be appropriate. However, the Commission should not act to assign the highest mobile access priority to E911 or any other claimant until it has considered the matter as a whole. It would be premature for the Commission to assign mobile service priorities to E911 without considering the effects that such an assignment might have on other NS/EP users.

MILITARY INSTALLATIONS SHOULD NOT BE REQUIRED TO PROVIDE ALL POSSIBLE E911 INFORMATION OR TO CONNECT TO A PSAP

Private Branch Exchanges (PBXs) present challenges to 911 personnel by virtue of their method of achieving access to the Public Switched Network (PSN). Calls to the PSN are routed through trunk lines, whose address may be shown at a PSAP as the main building (if the PBX serves more than one building) or the address to which the bill is sent. The main building or the billing address may or not have anything to do with the location of the emergency caller. Even if the building location is correctly shown, the room number of the

⁶Among the options being explored is having the administration of a cellular (mobile) priority access scheme handled by the same organization that now administers the TSP system for the Commission, the NCS. This does not mean that any priority access scheme would necessarily look like the TSP system. However, the NCS is familiar with the administration of a priority assignment scheme and has tentatively agreed to administer such a system for priority access.

calling party may be important and yet unavailable. The Commission notes that while it is technically feasible to include location information in transmitting calls from stations serviced by PBXs, there is currently no uniform means of ensuring that this information reaches emergency services personnel. The Commission proposes to amend Part 68 of its rules to require compatibility of PBX equipment with E911 systems, on a phased in schedule.⁷ The NOPRM asks specifically if there would be difficulties in applying the rules on military installations. (NOPRM, par. 21.)

Telephone service at military installations is divided by the Department of Defense into two categories, so-called "official" and "unofficial".

Unofficial service is that provided to persons occupying military owned single-family units, or "quarters" and to various other facilities on the installation, such as a bank or credit union, fast food restaurant, etc. Subscribers to unofficial telephone service pay for the service themselves. No congressionally appropriated funds are available for this purpose.⁸

Subscribers to unofficial service typically (but not always) receive dial tone directly from a telephone company central office and usually do not go through a PBX. Official service is that used for the conduct of official DoD business. Appropriated funds are used to pay charges incurred. Frequently (but not always) these services are provided via PBXs.

⁷Manufacture and importation of PBX equipment that does not comply with the new rules must cease as of one year from the effective date of the order adopting the rules. The proposed rule would impose the new requirements on equipment that is newly installed more than 18 months after the effective date of the order, this prohibiting the installation of non-complying equipment beyond that date. PBX equipment installed as of the effective date would not have to be reconfigured to comply with the new rules. (NOPRM, par. 31.)

⁸See, 31 USC §1348

Many military installations were located in areas which were then remote from a large civilian population and telephone service was provided as best it could be. In some cases, urban growth has reached the previously remote military site, and in some cases it has not. As circumstances change, so too does the provisioning of telephone service. Telephone service at military installations is a product of location, military mission, and economics. It is entirely fair to say that as to how telephone service is provided to military installations, "it depends".

Methods of providing 911 and/or E911-type services also vary greatly among military installations. Some installations do interconnect to the local emergency 911 system. In those cases, the local PSAP receives the 911 call. If it is coming from "quarters", the PSAP will have the capability to receive the same information it receives from a call from off the installation. If the call is coming from a PBX, that information is not likely to be currently available. Other military installations do not interconnect to the local PSAP. The calls are handled by installation operators who may dispatch the installation's own military police, fire, and emergency medical personnel. No outside involvement is necessary. Or the installation operator may relay the call to a PSAP if no installation emergency services are available or provided. In many cases, the residents in quarters who could reach the local PSAP by dialing 911 are instructed instead to dial another number connecting them to the installation's emergency services dispatcher. The most efficient arrangement depends on many factors, largely determined by the installation's mission, location, and the availability of on-site hospitals, police, etc.

The most important consideration to DoD is the achievement of the installation's

military mission. Not all installations have similar missions. A Navy supply depot has a mission clearly distinct from that of an Air Force base which happens to serve as headquarters for a fighter or bomber wing. Achievement of the mission is the responsibility of the installation commander, to whom DoD grants broad authority to accomplish the goal. It is entirely conceivable that, for security reasons, the installation commander would not want the local PSAP to know how many stations were served from a PBX, their locations, names associated with those stations, addresses, etc. It is also conceivable that the commander would not want the local PSAP to know the same information on calls coming from "quarters", which could otherwise be provided E911 services. An added factor perhaps unique to military installations is access to the installation. The installation commander determines who comes in and under what circumstances.

It is important that the Commission recognize that, as now, there will be situations where the information capable of being received by a PSAP should not be made available, at the installation commander's discretion. In addition, it would serve no purpose to have E911 information made available to a PSAP if it were necessary to deny access to the installation. It is the installation commander's responsibility to do what is necessary to achieve the mission. If the release of E911 type information would in the commander's view tend to compromise that mission, its provision should not be required.

Having said that, DoD has no objection to PBXs being capable of providing the information as set forth in the Commission's proposed rules. Nonetheless, DoD does object to a requirement to provide the information to a local PSAP in all circumstances. The installation commander understands the mission and how the health and safety of installation

personnel can affect it. The commander should be permitted the discretion to decide how to assure personnel on the base are provided emergency type services. Where connection to a local PSAP is the method, the commander and the local 911 emergency services personnel should be permitted to reach an agreement on what information and access will be provided, weighing the pros and cons. Having the capability, rather than the requirement, to provide full information would permit the installation commander to give consideration to all possible methods of ensuring the health and safety of personnel on the installation.

Pursuant to the Commission's request for specific alternative language (NOPRM, par. 21), DoD recommends that the following sentence be added to proposed Section 68.106(f):

"This requirement shall not apply to Department of Defense installations."

In summary, DoD supports the Commission's proposed rules insofar as they relate to capability. DoD objects to any rule that would require connection of military installations to a PSAP and to a rule that would require those installations that do connect to a PSAP to provide all E911 information. If connection to a local PSAP is made, information and access should be determined through an agreement between the installation commander and the local PSAP. The proposed rules should grant this discretion.

PREEMPTION IS ESSENTIAL

To ensure that PBX and mobile services are uniform throughout, the Commission gives a strong indication that it intends to preempt any potentially conflicting state regulations. (NOPRM, par.59.)

From the perspective of the federal NS/EP provider, it is critical that the mobile service instrument that can be provided priority access on the east coast be able to be used in

an identical fashion on the west coast, with the same priority. It is not only the federal user who requires uniformity. Adjacent states frequently assist one another in emergency situations, and utilities send crews from one state to another in cases of emergencies. What works in Oregon must also work in Washington and Maryland. Preemption is essential.

CONCLUSION

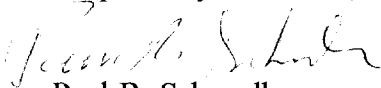
The Secretary of Defense supports the Commission's goals herein.

Calls to 911 should not be granted the highest possible priority. The Commission should not grant mobile priorities without considering mobile priorities as a whole.

PBXs should have the capabilities described by the Commission. There are however circumstances unique to DoD's installations which make the provision of all possible E911 information sometimes inadvisable. The local installation commander should have the discretion to decide how best to provide emergency services.

To achieve a truly uniform method of providing mobile service priority access, preemption is essential.

Respectfully submitted,



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